

February 19, 2014

Statement of the Connecticut Council on Freedom of Information in favor of House Bill 5127, *An Act Defining the UConn Foundation as a Public Agency for Purposes of the Freedom of Information Act and Requiring Auditing of the Foundation by the Auditors of Public Accounts.*

I am Claude Albert, legislative chair of the Connecticut Council on Freedom of Information. CCFOI is an organization that has been committed to furthering government transparency and accountability for more than half a century. We strongly support the provisions of House Bill No. 5127 that would make the University of Connecticut Foundation subject to the state Freedom of Information Act.

CCFOI has long been concerned about the delegating of government functions to private or quasi-public agencies without assuring the transparency that allows the public to determine if it is being well served. The blanket exemption to the Freedom of Information Act that now shields the University of Connecticut Foundation from public scrutiny is a particularly prominent example.

We appreciate the foundation's role in providing resources that elevate the university. We also understand that the university must increasingly rely on the foundation's fund-raising to grow its endowment and support its ambitions as a research university of the first rank. And we understand that the university must compete in a sophisticated way for the resources and talent that enable reaching those laudable goals.

But we also believe that the foundation thus performs a public function and is so intertwined with the university that the blanket FOI exemption is unwarranted. We believe the foundation acts largely as a surrogate for the university in fund-raising, marketing, investing and grants administration. It manages hundreds of millions of dollars on behalf of the school. It was created in 1962 at UConn's behest, and, among other things, it pays part of UConn President Susan Herbst's compensation.

The public deserves detailed information so it can judge whether the foundation has invested well; allocated resources wisely and fairly; and transacted business prudently, efficiently and without impropriety. The foundation can avail itself of exemptions already existing in the Freedom of Information Act to cover justifiable confidentiality requirements.

Serious improprieties and excesses have been disclosed at similar foundations in other states in recent years. Connecticut should increase the public's ability to scrutinize the UConn Foundation as one way to both increase public confidence in the foundation's operations and diminish the potential for missteps here.